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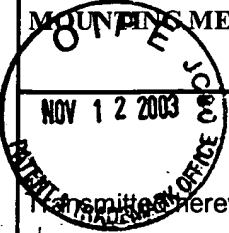
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3731

AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): Koh Kimura, et al.	Docket No. 14991
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Serial No. 09/975,490	Filing Date October 11, 2001	Examiner Bradford C. Pantuck	Group Art Unit 3731
--------------------------	---------------------------------	---------------------------------	------------------------

Invention: **PHYSIOLOGICAL TISSUE CLIPPING APPARATUS, CLIPPING METHOD AND CLIP UNIT MOUNTING METHOD**



RECEIVED

NOV 18 2003

TO THE COMMISSIONER FOR PATENTS:

TECHNOLOGY CENTER R3700

Transmitted herewith is an amendment in the above-identified application.
 The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	55 -	56 =	0 x	\$18.00	\$0.00	
INDEP. CLAIMS	16 -	17 =	0 x	\$86.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
 - ☐ Any additional filing fees required under 37 C.F.R. 1.16.
 - ☐ Any patent application processing fees under 37 CFR 1.17.

Signature

Dated: November 7, 2003

Thomas Spinelli
Registration No.: 39,533

Customer Number: 23389

I certify that this document and fee is being deposited on 11/7/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Thomas Spinelli	

cc:

400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
e-mail: intrprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER**

#11 (Ref for
Rebuttal
11-12-03

Fax

To: U.S. Patent and Trademark Office
Deposit Account Refunds

From: Christine Mogenis for Thomas Spinelli

Fax: 703-308-5077

Pages: 8

Phone:

Date: 11/12/2003

Re: Koh Kimura, et al.
USSN: 09/975,490
Filed: October 11, 2001
Our Docket: 14991

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

It is requested that the \$520.00 extension fees which were charged to deposit account 19-1013 on June 27 and July 9, 2003, (\$110 and \$410.00, respectively) in the above application be refunded. The Office Action dated March 20, 2003 had a three month statutory response period set. The due date was June 20, 2003. A Response to Restriction Requirement dated June 10, 2003 was received on June 12, 2003, within the three month statutory period set by the Patent Office. Therefore, no extension fees were required. Copies of the Office Action, response, postcard receipt and deposit account statements are enclosed. Please credit the deposit account 19-1013 with the \$520.00 fees. Thank you.

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

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<https://ramps.uspto.gov/eram/Controller;jsessionid=ram...>

06/16 838 75570541	709-1012	7004	\$1,050.00	\$29,490.88
06/18 1 09859031	NEC11045A	1814	\$110.00	\$29,380.88
06/18 210 10459931	16716	8021	\$40.00	\$29,340.88
06/19 16 2228482		8521	\$40.00	\$29,300.88
06/19 17 2362847		8522	\$25.00	\$29,275.88
06/19 18 2365042		8522	\$25.00	\$29,250.88
06/19 19 2366823		8522	\$25.00	\$29,225.88
06/19 20 2390553		8522	\$25.00	\$29,200.88
06/19 81 09158583	11702	1201	\$84.00	\$29,116.88
06/20 315 10357577		8021	\$40.00	\$29,076.88
06/23 109 76272201		6003	\$100.00	\$28,976.88
06/24 6 10337039		8021	\$40.00	\$28,936.88
06/25 6 09852077		1252	\$300.00	\$28,636.88
06/25 7 09852077		1801	\$750.00	\$27,886.88
06/25 177 76012683	1417/1001	7004	\$150.00	\$27,736.88
06/27 1 09975490	14991	1251	\$110.00	\$27,626.88
06/30 39 09381150		9204	-\$435.00	\$28,061.88

START
BALANCE
\$16,776.88

SUM OF
CHARGES
\$11,314.00

SUM OF END
REPLENISH BALANCE
\$22,599.00 \$28,061.88

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Requested Statement Month: July 2003
 Deposit Account Number: 191013
 Name: SCULLY, SCOTT, MURPHY & PRESSER
 Attention: DEBORAH SHEEHAN
 Address: A PROFESSIONAL CORPORATION
 City: GARDEN CITY
 State: NY
 Zip: 11530-0299

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	3	09339543	12767	1801	\$750.00	\$27,311.88
07/01	20	10418421		9204	-\$546.00	\$27,857.88
07/01	221	2649800		8521	\$40.00	\$27,817.88
07/01	876	78269077	1030-1092	7001	\$335.00	\$27,482.88
07/02	986	78269717	325-1005	7001	\$335.00	\$27,147.88
07/02	1003	78269726	325-1004	7001	\$335.00	\$26,812.88
07/03	1	10609692	16334	1001	\$750.00	\$26,062.88
07/03	1	09968481	14640(ETH156	1801	\$750.00	\$25,312.88
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07/03	31	10609726	16035 (ETH-5076)	1202	\$162.00	\$24,148.88
07/03	32	10609726	16035 (ETH-5076)	1201	\$84.00	\$24,064.88
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07/03	1057	78270372	74-1059	7001	\$335.00	\$23,394.88
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07/07	22	78270388	1378-1002	7001	\$335.00	\$22,994.88
07/08	46	09867874	FIS920010006	1453	\$1,300.00	\$21,694.88
07/08	144	10393722	16371	1051	\$130.00	\$21,564.88
07/08	145	10393722	16371	1053	\$130.00	\$21,434.88
07/08	164	75517030	980-1068	7004	\$600.00	\$20,834.88
07/09	3	09975490	14991	1253	\$410.00	\$20,424.88
07/09	228	60484960	P16529	2005	\$80.00	\$20,344.88
07/10	1	09796257	14356	1801	\$750.00	\$19,594.88
07/10	17	09573185		1252	\$410.00	\$19,184.88
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07/11	2	09527364	13473	1202	\$72.00	\$18,066.88
07/11	23	09832630	12516Z	1814	-\$110.00	\$18,176.88



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,490	10/11/2001	Koh Kimura	14991	9704

7590

03/20/2003

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530-0299

EXAMINER

PANTUCK, BRADFORD C

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,490

Applicant(s)

KIMURA ET AL. *MI*

Examiner

Bradford C Pantuck

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Response TO Restriction Requirement
2. Transmittal in Dupl.
3. Certificate of Mailing

Applicant: Koh Mimura, et al.
Serial No.: 09/975,490
For PHIOLOGICAL TISSUE CLIPPING APPARATUS, CLIPPING METHOD AND
CLIP UNIT MOUNTING METHOD
Filed: October 11, 2001
Docket: 14991
Dated: June 10, 2003
TS:cm



**TRANSMITTAL LETTER
(General - Patent Pending)**Docket No.
14991

In Re Application Of: Koh Kimura, et al.

Serial No.
09/975,490Filing Date
October 11, 2001Examiner
Bradford C. PantuckGroup Art Unit
3731Title: **PHYSIOLOGICAL TISSUE CLIPPING APPARATUS, CLIPPING METHOD AND CLIP UNIT MOUNTING METHOD**TO THE COMMISSIONER FOR PATENTS:Transmitted herewith is: **RESPONSE TO RESTRICTION REQUIREMENT**

in the above identified application.

- ☒ No additional fee is required.
☐ A check in the amount of _____ is attached.
☒ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☐ Charge the amount of _____
☒ Credit any overpayment.
☒ Charge any additional fee required.

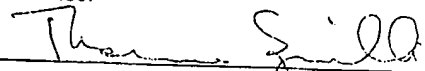
19-1013/SSMP


Signature

Dated: June 10, 2003

Thomas Spinelli
Registration No.: 39,533Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

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on 6/10/2003 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.



Signature of Person Mailing Correspondence

Thomas Spinelli

Typed or Printed Name of Person Mailing Correspondence

cc:

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Koh Kimura, et al.	Examiner: Bradford C. Pantuck
Serial No: 09/975,490	Art Unit: 3731
Filed: October 11, 2001	Docket: 14991
For: PHYSIOLOGICAL TISSUE CLIPPING APPARATUS, CLIPPING METHOD AND CLIP UNIT MOUNTING METHOD	Dated: June 10, 2003

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated March 20, 2003, Applicants elect the claims of Group I, i.e., Claims 1-40, for continued prosecution herein.

Claims 1-56 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: June 10, 2003


Thomas Spinelli